

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 02-1018

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United States of America,

Appellee,

v.

Francisco Gonzalez-Renteria,

Appellant.

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Appeal from the United States  
District Court for the Western  
District of Missouri.

[UNPUBLISHED]

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Submitted: June 5, 2002  
Filed: June 10, 2002

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Before MURPHY, BYE, and RILEY, Circuit Judges.

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PER CURIAM.

Francisco Gonzalez-Renteria pleaded guilty to re-entering the United States illegally after deportation, following his conviction for an aggravated felony, in violation of 8 U.S.C. § 1326(a) and (b)(2). Gonzalez-Renteria moved for a downward departure based on his agreement to waive a hearing and to consent to administrative deportation. The district court<sup>1</sup> denied the motion and sentenced him to 46 months imprisonment and 3 years supervised release.

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<sup>1</sup>The Honorable Fernando J. Gaitan, Jr., United States District Judge for the Western District of Missouri.

On appeal Gonzalez-Renteria's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the district court erred in denying the downward-departure motion. We may not review a district court's denial of a downward-departure motion where--as here--there is no evidence that the court did not understand its authority to depart, or that the court was motivated by an unconstitutional reason. See United States v. Hernandez-Reyes, 114 F.3d 800, 801-02 (8th Cir. 1997).

Having found no nonfrivolous issues in our independent review of the record, see Penson v. Ohio, 488 U.S. 75, 80 (1988), we grant counsel's motion to withdraw, and we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.